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EXAMINER

SALTARELLI, DOMINIC D

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Continuation of Disposition of Claims: Claims pending in the application are 1-11,16,17,37,40,60,67-70,85,86,97,99,102,104,111,113,115,116,127-129,137-139 and 169-174.

Continuation of Disposition of Claims: Claims rejected are 1-11,16,17,37,40,60,67-70,85,86,97,99,102,104,111,113,115,116,127-129,137-139 and 169-174.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed February 13, 2008 have been fully considered but they are not persuasive.

The pertinent section for the provisional application 60/099,301 to McKissick requested by applicant to prove the priority afforded to the McKissick has been provided.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 9, 16, 17, 37, 40, 67-70, 85, 97, 99, 102, 104, 111, 113, 127-129, and 137-139 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0066085 to Boyer et al. (Boyer '085) in view of U.S. Patent 5,600,364 to Hendricks et al. (Hendricks '364), U.S. Patent 5,517,502 to Bestler et al. (Bestler), U.S. Patent Application Publication 2005/0138660 to Boyer et al. (Boyer '660), and U.S. Patent Application Publication 2003/0190966 to McKissick et al. (McKissick).

Regarding claim 1, Boyer '085 teaches a personal computer accessing a web page via the Internet for receiving program data (pg. 3, para. 0053, pg. 3, para. 0056, pg. 4, para. 0065, pg. 4, para. 0069), which reads on the claimed first receiver module that receives program data.

Boyer '085 teaches ordering pay-per-view events via the web pages of the Internet, and having information sent to a headend (pg. 9, para. 0131-0133) and a separate television for receiving video signals (pg. 3, para. 0056, pg. 4, para. 0069); wherein the head end receives a program selection from said first receiver module (pg. 9, para. 0133), but is silent on a headend for generating an authorization code and a network receiver for receiving said authorization code.

Hendricks '364 teaches a headend receiving a request and a headend for generating an authorization code and a network receiver for receiving said authorization code (col. 27, ll. 41-49, col. 33, ll. 6-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer '085 by a headend for generating an authorization code and a network receiver for receiving said authorization code as taught by Hendricks '364 in order to alleviate and distribute the processing to a plurality of dedicated devices (such as a database), thereby distributing the load.

Further Boyer '085 is silent on a module for receiving a local authorization code, wherein the code allows the digital broadcast television programs to be decrypted for viewing. Bestler teaches conditional access (CA) packets multiplexed into the transport stream (claimed local authorization code) (col. 3, ll. 18-23) for decrypting the program,

which reads on a second receiver module for receiving local authorization code, wherein the code allows the digital broadcast television programs to be decrypted for viewing. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer '085 by a module for receiving a local authorization code, wherein the code allows the digital broadcast television programs to be decrypted for viewing as taught by Bestler in order to enable the system to decrypt the requested programs, thereby enabling the headend to authorize the display of the pay-per-view event. Boyer '085 teaches a transmitting that sends a program selection to a remote site, wherein the program selection is made from the program data received by the first receiver module and contains address information (via entry of the telephone number and personal identification number) of the second receiver module (pg. 9, para. 0131-0133); and

Boyer '085 teaches the program selection is received at the remote site (pg. 9, para. 0131-0133) and Boyer '085 recognizes that the web server can direct conventional equipment at the headend to authorize the display of the ordered even (pg. 9, para. 0133), but is silent on a memory coupled to the second receiver module for storing the received authorization code, and the remote site sends the local authorization code, wherein the code is stored in memory until needed for decrypting the selected program at a future time. Bestler teaches memory for storing the authorization code (col. 8, ll. 40-43) until needed for decrypting the program (col. 10, ll. 1-13). Bestler teaches the decoder transmitting a program selection from the decoder to the controller (claimed remote site) (fig. 7, lab 302) where the controller generates

and sends the local authorization code (col. 7, ll. 37-40, col. 11, ll. 51-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer '085 by a memory coupled to the second receiver module for storing the received authorization code, and the remote site sends the local authorization code, wherein the code is stored in memory until needed for decrypting the selected program at a future time as taught by Bestler in order to store codes for use with decryption, thereby to enable the system to selectively authorize devices for viewing programming thus providing a revenue source for the headend.

Boyer '085 and Bestler are silent on a first receiver located at a first site, and a second receiver located at a second site geographically remote from the first site. In analogous art, Boyer '660 teaches a personal computer (28) for viewing an Web-based EPG (pg. 2, para. 0036), and a second receiver at the home, which is geographically remote from the first site (pg. 3, para. 0044), wherein the user is able to access the web page and order pay-per-view events through the web interface and deliver the event to their multimedia system (fig. 9, pg. 3, para. 0062-0063), which reads on a first receiver located at a first site, and a second receiver located at a second site geographically remote from the first site.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Internet based EPG of Boyer '085 and Bestler by a first receiver located at a first site, and a second receiver located at a second site geographically remote from the first site as taught by Boyer '660 in order to facilitate users by enabling the user to order programs using a web-interface, thereby

permitting users to order programs from a geographically remote location and thus increasing the usability of the system.

Boyer '085 is silent on the first subscriber being different from the second subscriber. McKissick teaches sending a pre-paid pay-per-view authorization to another viewer, for a specific program (Abstract, fig. 21, pg. 14, para. 0135-0136). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer '085 by enabling a first subscriber being different from the second subscriber to order programming as taught by McKissick in order to provide an additional service to the users, thereby extending the television viewing experience.

Regarding claim 2, the combination of Boyer '085 and Bestler has already been discussed; Bestler teaches a conditional access module (claimed second receiver) (fig. 1) and a processor for processing the code to decrypt the program (fig. 1, label 40)

Regarding claim 3, the combination of Boyer '085 and Bestler teaches incorporating the components (processor, second receiver, and memory) within a set top terminal (Boyer '085: pg. 4, para. 0071), which is capable of being operably connected to a television.

Regarding claim 4, Boyer '085 teaches a television (see fig. 1, label 54, fig. 3, label 120), Bestler teaches a connection to a video display (col. 3, ll. 31-38), which

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displays the analog image. However, Boyer '085 and Bestler are silent on displaying on an analog television. Hendricks '364 teaches converting a compressed image to analog to be displayed on the television (col. 7, ll. 48-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer '085 by displaying the decompressed images on the television as taught by Hendricks '364 in order to effectively display the images and information to the user.

Regarding claim 9, Boyer '085 teaches the first receiver as a personal computer (fig. 1, label 40, fig. 3, label 106).

Regarding claim 16, the combination of Boyer '085 and Bestler has already been discussed; Bestler teaches multiplexing the local authorization code with the program (col. 3, ll. 18-22).

Regarding claim 17, Boyer '085 and Bestler are silent on teaching a remote control and the details of a menu and scrolling the program guide for a desired programming. Hendricks '364 teaches a remote control and navigating through a program guide for desired programming (col. 12-13, ll. 65-5; col. 13, ll. 23-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer '085 by using a remote control and navigating through a program guide as taught by Hendricks '364 in order to provide a more user friendly environment for choosing desired programs.

Regarding claim 37, Boyer '085 teaches the second site comprises a web page of the Internet, wherein the page includes the program data and generates a request (pg. 4, para. 0067, pg. 9, para. 0131-0133).

Regarding claim 40, the combination of Boyer '085 and Bestler has already been discussed; Bestler teaches an authorization code addressed to specific terminals (col. 8, ll. 8-13) with an identification code identifies which programs the user is authorized to view (col. 9, ll. 28-42).

Regarding claim 67, Boyer '085 teaches order and account verification information being processed, which inherently has a system to perform the functions, wherein the system receives the requests from a personal computer accessing a web-page (pg. 4, para. 0069, pg. 9, para. 0132), which equates to an order and authorization system at a headend that receives a program order from a first terminal in a television distribution network and generates an authorization order that authorizes access to a program.

Boyer '085 teaches a headend authorizing display of the ordered event (pg. 9, para. 0133), but is silent on a billing system coupled to the order an authorization system, wherein the billing system receives the order and generates a billing record. Hendricks '364 teaches a billing system coupled to an order and authorization system, and the billing system receives the orders and generates a billing record (col. 40, ll. 21-

29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer '085 by a billing system coupled to the order and authorization system, wherein the billing system receives the order and generates a billing record as taught by Hendricks '364 in order appropriately charge customers for their respective services.

Boyer '085 teaches a headend coupled to the order and authorization system, and seconding the program to a second terminal (set top box) in the television distribution network (pg. 9, para. 0132-0133), but is silent on how the data is sent to the second terminal, specifically, Boyer '085 is silent on the program is multiplexed with other programs, the authorization providing a local authorization code addressed to the second terminal, wherein the authorization code allows the terminal to demultiplex, decrypt and display the program. Bestler teaches a cable decoder (fig. 1) for receiving a digital broadcast television program (col. 2, ll. 55-67). Furthermore, Bestler teaches receiving programs (claimed program data) (col. 3, ll. 1-17, col. 4, ll. 17-20), and conditional access (CA) packets multiplexed into the transport stream (claimed local authorization code) (col. 3, ll. 18-23) for decrypting the program. Additionally, Bestler teaches memory for storing the authorization code (col. 8, ll. 40-43) until needed for decrypting and displaying the program (col. 10, ll. 1-13). Bestler teaches the decoder transmitting a program selection from the decoder to the controller (claimed remote site) (fig. 7, lab 302) where the controller generates and sends the local authorization code (col. 7, ll. 37-40, col. 11, ll. 51-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer '085 by

multiplexed the program with other programs, the authorization providing a local authorization code addressed to the second terminal, wherein the authorization code allows the terminal to demultiplex, decrypt and display the program as taught by Bestler in order to provide secure transmission of content.

Boyer '085 and Bestler are silent on a first receiver located at a first site, and a second receiver located at a second site geographically remote from the first site. In analogous art, Boyer '660 teaches a personal computer (28) for viewing an Web-based EPG (pg. 2, para. 0036), and a second receiver at the home, which is geographically remote from the first site (pg. 3, para. 0044), wherein the user is able to access the web page and order pay-per-view events through the web interface and deliver the event to their multimedia system (fig. 9, pg. 3, para. 0062-0063), which reads on a first receiver located at a first site, and a second receiver located at a second site geographically remote from the first site.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Internet based EPG of Boyer '085 and Bestler by a first receiver located at a first site, and a second receiver located at a second site geographically remote from the first site as taught by Boyer '660 in order to facilitate users by enabling the user to order programs using a web-interface, thereby permitting users to order programs from a geographically remote location and thus increasing the usability of the system.

Boyer '085 is silent on the first subscriber being different from the second subscriber. McKissick teaches sending a pre-paid pay-per-view authorization to

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another viewer, for a specific program (Abstract, fig. 21, pg. 14, para. 0135-0136).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer '085 by enabling a first subscriber being different from the second subscriber to order programming as taught by McKissick in order to provide an additional service to the users, thereby extending the television viewing experience.

Regarding claim 68, Bestler teaches multiplexing the local authorization code with the program and demultiplexing (col. 3, ll. 18-22).

Regarding claim 69, Bestler teaches an authorization code addressed to specific terminals (col. 8, ll. 8-13) with an identification code identifies which programs the user is authorized to view (col. 9, ll. 28-42).

Regarding claim 70, Boyer '085 teaches the program is listed in the program guide to the first terminal by the broadcaster (fig. 1 and 3).

Regarding claim 85, Boyer is silent on debiting accounts and credit cards, however, Official Notice is taken that debiting accounts and charging credit cards is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer by debiting accounts and charging credit cards in order to permit the user to easily purchase services.

Regarding claim 97, the combination of Boyer '085 and Bestler has already been discussed; Bestler teaches an authorization code addressed to specific terminals (col. 8, ll. 8-13) with an identification code identifies which programs the user is authorized to view (col. 9, ll. 28-42).

Regarding claim 99, the limitations of claim 99 have been addressed in the discussion of claim 1. Claim 99 adds the limitation of displaying the program data as a program menu, which is taught by Boyer '085 in at least figure 28.

Regarding claim 102, Boyer '085 teaches data provided on an Internet web site.

Regarding claim 104, Boyer '085 teaches that the program order is received at a remote location (pg. 9, para. 0132-0133)

Regarding claim 111, Boyer '085 teaches that the program order is received at a remote location and sent to a digital programming broadcaster (pg. 9, para. 0132-0133).

Regarding claim 113, the combination of Boyer '085 and Bestler has already been discussed; Bestler teaches multiplexing the local authorization code with the program (col. 3, ll. 18-22).

Regarding claim 127, the limitations of claim 127 have been addressed in the discussion of claim 1.

Regarding claim 128, the combination of Boyer '085 and Bestler has already been discussed; Bestler teaches multiplexing the local authorization code with the program and demultiplexing (col. 3, ll. 18-22).

Regarding claim 129, Boyer teaches a remote site transmitting the authorization signal to a broadcast (pg. 9, para. 0132-0133), wherein the broadcaster broadcasts the multiplexed digital programs as discussed with Bestler.

Regarding claim 137, Boyer '085 teaches generating a program guide and transmitting the guide, wherein selections are made based upon the guide (see fig. 27-28, 31).

Regarding claim 138, Boyer '085 teaches the guide is broadcast to the first terminal.

Regarding claim 139, Boyer '085 teaches the guide is broadcast to the first terminal.

Regarding claim 169, the limitations of claim 169 have been addressed in the discussion of claim 67.

Regarding claims 170 and 171, the combination of Boyer '085 and Bestler has already been discussed; Bestler teaches multiplexing the local authorization code with the program and demultiplexing (col. 3, ll. 18-22).

Regarding claims 172-174, Boyer '085 teaches the the program is listed in an electronic program guide provided on a web page of the Internet, wherein the terminal accesses the web page to receive the web page (pg. 4, para. 0067-0068, fig. 15-34).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0066085 to Boyer et al. (Boyer '085), U.S. Patent 5,600,364 to Hendricks et al. (Hendricks '364), U.S. Patent 5,517,502 to Bestler et al. (Bestler), U.S. Patent Application Publication 2003/0066085 to McKissick et al. (McKissick), and U.S. Patent Application Publication 2005/0138660 to Boyer et al. (Boyer '660) in view of U.S. Patent 5,880,769 to Nemirofsky et al.

Regarding claim 5, Bestler teaches a conditional access unit but Boyer '085 and Bestler are silent on a smart card. Nemirofsky teaches using a smart card and transmitter in a smart card (col. 2, ll. 45-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer '085

by implementing a smart card with a transmitter as taught by Nemirofsky in order to maintain security and automate transactions.

Boyer '085 is silent on a digital television. Official Notice is taken that digital televisions are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer '085 by using a digital television in order to provide an integrated digital system thereby reducing the number of components.

5. Claims 6-8, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0066085 to Boyer et al. (Boyer '085), U.S. Patent 5,600,364 to Hendricks et al. (Hendricks '364), U.S. Patent 5,517,502 Bestler et al., U.S. Patent Application Publication 2003/0066085 to McKissick et al. (McKissick), U.S. Patent Application Publication 2005/0138660 to Boyer et al. (Boyer '660), and U.S. Patent 5,880,769 to Nemirofsky et al. in view of U.S. Patent 5,809,204 to Young et al.

Regarding claim 6, Boyer '085 and Bestler are silent on second receiver incorporated into the digital television. As discussed in claim 5, the examiner asserts that digital televisions are well known in the art. Furthermore, Young teaches that integrating components is well known (col. 12, ll. 48-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer '085 by integrating the first receiver of Bestler into a digital television in order to provide an integrated digital system thereby reducing the number of components.

Regarding claim 7 and 8, claim 7 introduces a third receiver but the examiner notes that it is substantially similar to that of Bestler except that the location is in the digital television. Accordingly, the limitations of claims 7 and 8 have been addressed in the discussion of claims 5 and 6.

Regarding claim 10, the limitations of claim 10 have been addressed in the discussion of claim 6.

Regarding claim 11, the limitations of claim 11 have been addressed in the discussion of claims 6 and 9.

6. Claims 60, 86, 115, and 116 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0066085 to Boyer et al. (Boyer '085), U.S. Patent 5,600,364 to Hendricks et al. (Hendricks '364), U.S. Patent 5,517,502 Bestler et al., U.S. Patent Application Publication 2003/0066085 to McKissick et al. (McKissick), and U.S. Patent Application Publication 2005/0138660 to Boyer et al. (Boyer '660) in view of U.S. Patent 5,734,853 to Hendricks et al. (Hendricks '853).

Regarding claim 60, Boyer '085 is silent on a time out feature, Hendricks '853 teaches a time out (fig. 19, 20, col. 37, ll. 20-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer '085 by using time outs as taught by Hendricks '853 to deauthorize the display and prevent charges.

Regarding claim 86, Boyer is silent on the time out feature. Hendricks '853 teaches a time out and teaches canceling the program for a time prior to the start and

after the start of the program (fig. 19, 20, col. 37, ll. 20-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer by using a time out feature prior to displaying and after the start of the program as taught by Hendricks '853 in order to inhibit unauthorized viewing of programs.

Regarding claim 115, Boyer '085 is silent on a time out period and if the cancel order is not received within the time out period, sending the program order to billing system, and preparing billing. Hendricks '853 teaches a time out period and if the cancel order is not received within the time out period, then billing the user which clearly sends the program order to billing system, and preparing billing (col. 37, ll. 20-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer '085 by a time out period and if the cancel order is not received within the time out period, sending the program order to billing system, and preparing billing as taught by Hendricks '853 in order to appropriately bill users when the program has been watched past a threshold amount.

Regarding claim 116, Boyer '085 is silent on a time out period, and generating a deauthorization signal if the cancel order is received, and transmitting the deauthorization signal which removes access to a previously authorized program. Hendricks '853 teaches a time out period. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer '085 by a time out period as taught by Hendricks '853 in order to permit the user to escape from an ordered movie without charge. Boyer '085 and Hendricks '853 are silent on a

deauthorization signal which removes access to a previously authorized program.

Hendricks '364 teaches transmitting the deauthorization signal which removes access to a previously authorized program (col. 32, ll. 7-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer '085 and Hendricks '853 by a deauthorization signal which removes access to a previously authorized program as taught by Hendricks '364 in order to prevent a cancelled program from being viewed by a subscriber who has already received the authorization for the program.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOMINIC D. SALTARELLI whose telephone number is

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(571)272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2623

/Dominic D Saltarelli/
Examiner, Art Unit 2623